

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:12CR271
)	
V.)	
)	
PAUL ROSBERG and)	MEMORANDUM
KELLY ROSBERG,)	AND ORDER
)	
Defendants.)	
)	

Yesterday I considered the oral motion of Mr. and Mrs. Rosberg to continue the trial for a substantial period of time. Mr. and Mrs. Rosberg asked that I set the trial in the middle of November of 2013 or in December 2013. The government believed that such a continuance was too long. Later Mr. and Mrs. Rosberg told me that if I set the trial later in September, the majority of their concerns would be addressed.

Mr. and Mrs. Rosberg are proceeding pro se although they have standby counsel. In fact, I just recently granted the motion to withdraw submitted by Mrs. Rosberg's counsel, but I appointed that lawyer as standby counsel over the objection of Mrs. Rosberg. As a result, Mrs. Rosberg wanted additional time to prepare for trial since she will now be representing herself.

This criminal matter is relatively complex. It also is fairly unusual. I estimate that the jury trial will take about 12 days to complete.

Mr. and Mrs. Rosberg have informed me that they farm 2,500 acres of organic corn and soybeans. They will soon begin planting those crops. Tending those crops is particularly labor intensive because of the organic nature of the corn and soybeans. As I understand it, Mr. and Mrs. Rosberg and some or all of their 16 children provide

much of the manual labor for the farming operation. In addition to farming, the Rosbergs advised that they also raise cattle. Looking after the cattle while tending to the organic crops, requires many hours of hard work each and every day.

Moreover, Mrs. Rosberg pleaded with me to continue the trial to sometime after May 10, 2013, when her daughter graduates from high school as the valedictorian of her class. Between now and then, Mrs. Rosberg wanted to devote her time to making her daughter's graduation special while also looking after her many other children.

Mr. and Mrs. Rosberg have additionally requested the opportunity to file one additional motion and I have authorized the filing of that motion. Various other motions are currently pending. At least one of those motions requires an evidentiary hearing.

In my view, these are all sufficient reasons to justify an extended continuance. As a result,

IT IS ORDERED that trial of this matter is continued until September 30, 2013. The time between today's date and the new trial date is excluded under the Speedy Trial Act. For the reasons set forth above, the ends of justice served by granting the continuance outweigh the best interests of the public and the defendants in a speedier trial. See 18 U.S.C. § 3161.

DATED this 26th day of March, 2013.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge